



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 34834118

Date: NOV. 13, 2024

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability in the sciences, arts, education, business, or athletics through sustained national or international acclaim, and whose achievements have been recognized in their field through extensive documentation.

The Director of the Texas Service Center denied the petition. Subsequently, the Petitioner filed a motion to reconsider the decision. The Director denied the motion, concluding that the Petitioner did not meet the requirements to reconsider the decision. The matter is now before us on appeal. 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

When denying the Director must explain in writing the specific reasons for the denial. 8 C.F.R. § 103.3(a)(1)(i); *see also, Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that a decision must fully explain the reasons for denying a motion to allow the respondent a meaningful opportunity to challenge the determination on appeal). In this instance, the Director did not provide any analysis of the record to support the conclusions that the motion was deficient. The Director also stated that the Petitioner did not provide additional evidence, a statement regarding judicial proceedings, or any changes within immigration law. These are not considerations for a motion to reconsider. *See* 8 C.F.R. § 103.5(a)(3). We will therefore remand the matter to the Director for issuance of a new decision based on the record of proceedings.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.